

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 24-CR-131 (JRT/LIB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

WARREN HOLT, JR.,

Defendant.

**DEFENDANT'S MOTION TO
SUPPRESS IDENTIFICATION OF THE
DEFENDANT**

Pursuant to the Fourth Amendment to the United States Constitution, Defendant WARRANT HOLT, JR., though undersigned counsel, hereby moves for the suppression of the results of any identification of the Defendant on the following basis:

1. Eyewitness identifications by photograph or show-up procedure which are impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification are not admissible at trial. *See Simmons v. United States*, 390 U.S. 377, 384, 88 S.Ct. 967, 19 L.Ed.2d 1247 (1968).
2. The pretrial identification in this matter may have included improper procedural safeguards to protect Mr. Holt from an impermissibly suggestive identification. The risk of unfair prejudice at trial for Mr. Holt based upon an impermissibly suggestive identification requires that the Government prove that the identification procedures were not impermissibly suggestive.
3. The relevant factors for a Court to consider in evaluating the identification include “the opportunity of the witness to view the criminal at the time of the crime, the witness' degree of attention, the accuracy of the witness' prior description of the criminal, the level of

certainty demonstrated by the witness at the confrontation, and the length of time between the crime and the confrontation.” *Neil v. Biggers*, 409 U.S. 188, 199-200 (1972).

Mr. Holt moves the Court for an Order suppressing the identification and all derivative evidence, of all impermissibly suggestive identifications.

This motion is also based upon the Indictment, files, records, and proceedings in this case. Defendant requests an evidentiary hearing on this motion.

Date: June 7, 2024

Respectfully Submitted,

/s/ Melvin R. Welch
Melvin R. Welch (Att. # 0387750)
WELCH LAW FIRM, LLC
250 South Second Avenue, Ste. 205
Minneapolis, MN 55401
612-741-3272
Mel@MelvinWelchLaw.com

ATTORNEY FOR DEFENDANT